

Message Text

CONFIDENTIAL

PAGE 01 PEKING 01286 312359Z

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ACTION PPT-02

INFO OCT-01 EA-07 ISO-00 SCA-01 VO-03 NSCE-00 NSC-07 L-03

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R 312300Z JUL 74

FM USLO PEKING

TO SECSTATE WASHDC 2165

C O N F I D E N T I A L PEKING 1286

E.O. 11652: GDS

TAGS: CPAS, CVIS, CGEN, CH

SUBJECT: CONSULAR ACCESS

REF: (A) STATE 136741 (B) PEKING 1161

1. WE CONCUR WITH DEPARTMENT'S SUGGESTION PARA 3 REFTEL (A) THAT USLO MAIL FS 176, 176S AND QUESTIONNAIRE TO US CITIZENSHIP CLAIMANTS AND THAT THESE BE RETURNED BY MAIL, COMPLETED AND SIGNED, BUT NOT UNDER OATH. USLO WILL THEN PROCESS AND FORWARD TO DEPARTMENT FOR PRELIMINARY DETERMINATION.

2. WE WOULD ONLY SUGGEST, BASED ON MEETING REPORTED REFTEL B, THAT LANGUAGE OF SUBSEQUENT LETTER, IF PRELIMINARY DETERMINATION IS POSITIVE, BE SUCH THAT WE AVOID REQUESTING THE CLAIMANT TO APPLY AT USLO. WE SUGGEST LANGUAGE SIMILAR TO THAT USED IN USLO'S LETTER TO DANIEL KELLY, I.E. "IN ORDER TO OBTAIN US CITIZENSHIP DOCUMENTATION, IT WILL BE NECESSARY TO COMPLETE CERTAIN FORMALITIES AT THE LIAISON OFFICE IN PEKING OR OTHER UNITED STATES MISSION."

3. WE HAVE TALKED WITH BRITISH, CANADIANS AND AUSTRALIANS ON THEIR ACCESS AND CORRESPONDENCE PROBLEMS. IN EFFECT THEY HAVE NONE, SINCE NONE REQUIRES A PERSONAL APPLICATION. ALL DEAL WITH APPLICATIONS FOR VISAS THROUGH OVERSEAS CHINA TRAVEL SERVICE. AUSTRALIANS WILL ISSUE IMMIGRANT VISAS IN THIS MANNER BUT INDIVIDUALS MUST THEN BE INTERVIEWED BY AUSTRALIAN CONSULAR OR IMMIGRATION OFFICIALS IN HONG KONG. THE DEPARTMENT IS FAMILIAR WITH THE CANADIAN RE-UNIFICATION OF FAMILIES PROCEDURES.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PEKING 01286 312359Z

4. NONE HAS ANY PRESENT PROBLEMS CORRESPONDING WITH CHINESE. THE BRITISH CORRESPOND REGULARLY WITH TWO CLAIMANTS TO BRITISH CITIZENSHIP, BUT THE CHINESE HAVE NOT PERMITTED BRITISH CONSULAR OFFICERS TO MEET WITH THESE PERSONS SINCE THEIR CLAIMS ARE NOT RECOGNIZED BY THE CHINESE.

5. THE AUSTRALIANS HAVE NO CITIZENS IN CHINA. THEY WERE INSTRUCTED IN JANUARY NOT TO CORRESPOND DIRECTLY WITH INDIVIDUALS CONCERNING IMMIGRATION MATTERS. THE AUSTRALIAN CONSULAR OFFICER TOLD THE CONSULAR DEPARTMENT THAT SUCH INSTRUCTIONS WERE NOT IN ACCORDANCE WITH THE EMBASSY'S DIPLOMATIC STATUS.

6. FOR THE FOLLOWING TWO WEEKS THE AUSTRALIANS RECEIVED NO MAIL FROM WITHIN CHINA IN CONTRAST TO THE STEADY NUMBER OF INQUIRIES THEY HAD BEEN RECEIVING. THE MAIL THEN RESUMED, BUT HAD OBVIOUSLY BEEN OPENED.

7. THE CONSULAR DEPARTMENT HAS NOT RAISED THE MATTER AGAIN WITH THE AUSTRALIANS, AND THE AUSTRALIANS DO NOT BELIEVE THEIR MAIL IS BEING HELD. THE CONSULAR OFFICER CITED EXCHANGES OF CORRESPONDENCE WHICH INCLUDE REFERENCES TO PREVIOUS LETTERS, INDICATING THAT THE AUSTRALIAN EMBASSY LETTERS WERE BEING RECEIVED.

8. WE HAVE CONSIDERED WHETHER WE SHOULD RETURN TO THE QUESTION OF CORRESPONDENCE WITH THE CONSULAR DEPARTMENT, BUT RECOMMEND WE DO NOT.

9. TO RAISE IT AGAIN EITHER TO OBJECT OR TO TRY TO OBTAIN A MORE PRECISE DEFINITION COULD FORCE THE CHINESE TO GIVE US ANSWERS WE WOULD NOT WANT.

10. IN THE CHINESE PRESENTATION IN REFTTEL, USLO WAS INFORMED IT HAD WRITTEN WITHOUT PERMISSION TO A CHINESE CITIZEN ASKING HIM TO MAKE AN APPOINTMENT TO GET A PASSPORT. IF WE COUCH THE LETTER IN LANGUAGE SUGGESTED IN PARA 2 ABOVE, WE WOULD BE IN THE BEST POSITION POSSIBLE TO REPLY TO THE CHINESE THAT WE HAD NOT VIOLATED THEIR INSTRUCTIONS. IT IS SPECIOUS AT BEST, BUT THE ALTERNATIVE SEEMS TO BE TO ABANDON ANY POSITION OF A RIGHT TO CORRESPOND TO CHINESE CITIZENS, EXCEPT THROUGH THE MFA WHICH WOULD PROBABLY BE A SLOW AND TEDIOUS PROCESS.
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PEKING 01286 312359Z

11. IF THE ISSUE IS JOINED AGAIN, WE BELIEVE THE DEPARTMENT WILL HAVE TO DISCUSS THE QUESTION WITH PRCLO.

12. ULTIMATELY, THE CHINESE COULD SIMPLY WITHHOLD MAIL TO AND FROM USLO, BUT THEY CAN DO THAT NOW.

13. USLO HAS BEGUN LOGGING LETTERS RECEIVED FROM WITHIN CHINA--

THERE ARE NOT MANY -- BUT THIS MAY PERMIT US TO DETECT ANY
MAIL STOPPAGE.

14. STATE 165346 JUST RECEIVED AFTER THIS MESSAGE ALREADY DRAFTED.
WE CONTINUE TO BELIEVE RECOMMENDATION IN PARA 8 ABOVE IS APPROPRIATE.
HOLDRIDGE

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NNN

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